



M&D 1/19/07

Patent

Attorney's Docket No. 1033532-000001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Maurice Israel et al.

Application No.: 10/051,243

Filed: January 22, 2002

For: METHODS FOR THE PREVENTION
AND/OR THE TREATMENT OF
GLUTAMATE CYTOTOXICITY

) MAIL STOP AF

) Group Art Unit: 1623

) Examiner: MCINTOSH III, TRAVISS C

) Confirmation No.: 8007

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action mailed June 6, 2006, reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

Although the Office Action has been made final, the Examiner has alleged three new grounds of rejection under 35 U.S.C. § 103. Exhibits A-O are attached hereto as evidence of the state of the art as it relates to the alleged bases for these rejections. This evidence was not earlier presented, because it is responsive to the new allegations of the Office and this is Applicant's first opportunity to respond to the present rejections.

As will be shown, each of the new grounds of rejection is not supported when the broader context of the totality of the state of the art is given due consideration. The proposed combinations would have been contrary to the accepted state of the art at the time the application was filed. When the totality of the state of the art is taken into consideration, it becomes clear that the presently claimed invention would not have been obvious.